IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.391 OF 2006

Mrs.Sangeeta D/o Prahledrai Gawa ..Petitioner

Vs.

The State of Maharashtra & Ors. ..Respondents

Mr.A.M.Saraogi for the petitioner

Mrs.S.D.Shinde, A.P.P. for the state

CORAM : J.N.PATEL &
SMT.ROSHAN S.DALVI, JJ.

DATED : 16TH AUGUST, 2006

P.C.:
1. Heard.

2. The petitioner has approached this court with a grievance against the respondents particularly respondent no.1(a) that she has been harassed and falsely implicated by respondent no.1(a) in various cases and she is not able to fulfil his demand for bribe. It is also alleged that her family members including her brother was also falsely implicated and therefore, this court should direct enquiry to be conducted against

respondent no.1(a) for the various acts of cruelty and abuses of power including the act of forcing the petitioner to accept illegal demands issued by respondent no.1(a) are subject to outcome of such enquiry and necessary action as contemplated under the provision of law to be initiated against respondent no.1(a).

3. In addition to alternate prayer by way of interim relief, it is sought that respondent no.1(a) to be transferred from Samta Nagar Police Station to any other police station and / or be suspended or such orders to be passed to protect the life and interest of the petitioner.

4. In reply to the petition, affidavit of Shri Shivaji T.Bodkhe, D.C.P. Zone III, Mumbai has been filed in which it is specifically denied that the petitioner is being harassed and so far as material gathered by the petitioner in the form of tapping by telephonic conversation and video clipping to show that the petitioner has been harassed to pay bribe to respondent no.1(a), it is submitted that they are all tampered.

5. It is the case of the respondents that out of the cases registered against the petitioner, in 5 cases charge sheet has been filed and investigation in other cases is in progress.

6. The learned counsel for the petitioner submits the enquiry in the matter is a must to subserve the ends of justice and the petitioner to be protected from such harassment. The learned A.P.P. on the other hand submitted that the enquiry is being conducted by the officer on the rank of A.C.P. into the allegations made by the petitioner.

7. In view of the fact that the petitioner has been arrested in several cases and in 5 cases charge sheet is already filed against her, prima facie case against the petitioner is made out that she is indulging in an offence of misappropriation and cheating in relation to trade and practice as adopted by her in her business.

8. The allegation made by the petitioner are

also being enquired by the police officer of the rank of A.C.P. Therefore, we do not find it necessary to issue any order or direction to the Respondent no.1(b) in the matter as the respondent no.1(b) has already taken initiative. The learned A.P.P. submits that as soon as the investigation is over, charge sheet in the remaining matters would be filed if the police is satisfied that the petitioner and her family members who are suspects, deserves to be prosecuted.

9. Therefore, nothing survives in the petition. In so far as allegation made by the petitioner as regards illegal demands made by respondent no.1(a), we grant liberty to the petitioner to seek alternate remedy available to her under the law. With these observations, petition stands disposed of.

(SHRI J.N. PATEL, J)

(SMT.ROSHAN DALVI, J)